



July 31, 2017

The Honorable Orrin Hatch
United States Senate
104 Hart Senate Office Building
Washington, DC 20510

The Honorable Christopher Coons
United States Senate
127A Russell Senate Office Building
Washington, DC 20510

The Honorable Dean Heller
United States Senate
324 Hart Senate Office Building
Washington, DC 20510

Dear Senators Hatch, Coons, and Heller:

We write you on behalf of the video game industry to express our support for the International Communications Privacy Act of 2017 (S. 1671).¹

While the Electronic Communications Privacy Act was intended to advance consumer privacy, as technology has evolved, the level of privacy set by the law has not kept pace and, as a result, privacy protections have eroded. We need to modernize our outdated electronic privacy laws.

Today's video games and game networks harness the internet to offer interactive gaming experiences that surpass anything anyone could have imagined 30 years ago. Every day, millions of gamers link up on game networks to compete in games ranging from a handful of participants to thousands. They communicate by text and voice chat. They send each other video clips of their heroic game play battles. They form guilds with elaborate rules and leadership responsibilities. In short, they are building durable virtual communities with fellow gamers—all of this, enabled by the internet and cloud services.

Their privacy matters. It should not be easier for law enforcement to access gamer data stored for a long period than data stored for a shorter duration. A warrant requirement should apply across the board. This is critical as our society—and youth culture, in particular—moves more personal information to the cloud. We are pleased that ICPA fixes this problem.

¹ The Entertainment Software Association is dedicated to serving the business and public affairs needs of companies that publish computer and video games for video game consoles, handheld devices, personal computers, and the internet.

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ICPA also provides improved procedures and safeguards for handling requests from foreign governments for stored communications, as well as requests from the U.S. government for stored communications of foreign nationals outside of the United States. We recognize that law enforcement has legitimate needs to access stored communications, but it should do so in a way that respects fundamental rights, including personal privacy. We think that the balance struck in ICPA is a reasonable approach.

Finally, we are pleased that ICPA addresses the issue of "data localization." ICPA creates a modern legal framework for law enforcement access to electronic communications, regardless of where the data is stored. Requiring servers to be located on foreign soil is not a good solution for promoting the free flow of information. We support the U.S. government's continued efforts to make our networks more interconnected, not less so.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stanley Pierre-Louis', with a long horizontal line extending to the right.

Stanley Pierre-Louis
Senior Vice President and General Counsel